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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,107	12/02/2003	Hiroshi Kubota	81868.0110	4400

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EXAMINER

CHOW, LIXI

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/727,107

Applicant(s)

KUBOTA, HIROSHI

Examiner

Lixi Chow

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,6-9 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 2-5, 10-13 and 17-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Noishiki et al. (US 5,367,530; hereafter Noishiki).

Noishiki discloses an optical head device comprising:

a laser beam emitting element having a rectangular type body frame in which a semiconductor laser chip is accommodated (see Fig. 11; element 21 is a laser beam emitting element);

a light-emitting element holder that holds the laser beam emitting element and includes a first holder member and a second holder member (see Fig. 11; element 22a is a light-emitting element holder; holder includes a groove 32, therefore, forming a first holder member and a second holder member); and

a base portion to which the light-emitting element holder is mounted (see Fig. 41; it is inherent that the optical head device of Noishiki includes a base portion to which the holder is mounted), wherein the first holder member and the second holder member are fixed to each other so as to respectively abut with part of the laser beam emitting element from both sides to hold the laser beam emitting element (see Fig. 11 and col. 7, lines 39-66).

Regarding claims 15 and 16:

Claims 15 and 16 recites similar limitations as in claim 1; hence, claims 15 and 16 are rejected under the same reasons set forth in claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 8, 9, 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US 6,590,773) in view of Yagi (USP 2002/0075915).

Regarding claim 1:

Lin discloses an optical head device comprising:

a light beam emitting element having a rectangular type body frame in which a semiconductor chip is accommodated (see Fig. 8; element 1 is a light beam emitting element);

a light-emitting element holder that holds the light beam emitting element and includes a first holder member and a second holder member (see Figs. 8 and 9; elements 31 and 32 correspond to the first holder member and the second holder member, respectively) ; and

a base portion to which the light-emitting element holder is mounted (see Fig. 9),

wherein the first holder member and the second holder member are fixed to each other so as to respectively abut with part of the light beam emitting element from both sides to hold the laser beam emitting element (see Figs 8 and 9).

Lin fails to disclose that the light beam emitting element is a laser beam emitting element; however, Yagi discloses an optical head device comprising a laser beam emitting element (see Fig. 1B, element 25).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Lin and Yagi. A person of ordinary skill in the art would have been motivated to employ a laser beam emitting element in the optical head device of Lin, since the laser beam emitting element can be used to record/reproduce information to/from optical disk. Furthermore, one skilled in the art would have been motivated to employ a holder for the laser beam emitting element in the optical head device of Yagi, because the holder helps dissipate heat from the laser beam emitting element, thereby enhancing the performance of the laser beam emitting element.

Regarding claim 6:

Lin discloses the optical head device, further comprising means for connecting the first holder member and the second holder member (see Figs. 8 and 9).

Regarding claim 8:

Lin discloses the optical head device, further comprising a boss and a hole press-fitted by the boss that connect the first holder member and the second holder member (see Fig. 8; element 312 is a boss, and element 325 is a hole).

Regarding claim 9:

Lin discloses the optical head device, wherein the body frame includes an emission face and a back face (see Fig. 8; element 12 corresponds to the emission face).

Regarding claim 14:

Lin discloses the optical head device, further comprising means for attaching light-emitting element holder to the base portion (see Fig. 9; element 5 is the base portion).

Regarding claim 15 and 16:

Claims 15 and 16 recites similar limitations as in claim 1; hence, claims 15 and 16 are rejected under the same reasons set forth in claim 1.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Yagi as applied to claim 1 above, and further in view of Nagase et al. (US 6,483,185; hereafter Nagase).

Lin and Yagi fail to show the first holder member and a second holder member are connected by a screw; however, Nagase discloses a holder comprising a first holder member and a second holder member (see Fig. 5; element 27 is the first holder member, and element 13 is the second holder member); and a screw that connects the first holder member and the second holder member (see Fig. 5; element 26 is a screw).

At the time the invention was made, it would have been obvious to a person of ordinary skilled in the art to utilize a screw to connect the first holder member and a second holder member in the optical head device of Lin. One of ordinary skilled in the art would have been motivated to do this, because a screw can provide a stronger connection.

Allowable Subject Matter

Claims 2-5, 10-13, and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claim 2, none of the reference of record alone or in combination disclose or suggest an optical head device comprising a protrude plate parts that protrude sideward from the rectangular type body frame of the laser beam emitting element and **are held by the first holder member and the second holder member from both sides so that the rectangular type body frame is not pressed by the first holder member and the second holder member.**

In regards to claim 5, none of the reference of record alone or in combination disclose or suggest an optical head device comprising an attaching face formed on the first holder member for attaching to the base portion; an attaching face formed on the second holder member for attaching to the base portion, and **an aperture formed by the attaching faces of the first and the second holder members for passing the laser beam emitted by the laser beam emitting element through.**

Claims 17 and 20 recite similar limitations as in claims 2 and 5, respectively. Hence, they are being objected under the same reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sogawa et al. (USP 2004/0017763) discloses a light-emitting element holder that holds a laser beam emitting element.

Tajiri et al (US 6,023,448) teaches a laser beam emitting element having a rectangular type body frame.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lixi Chow whose telephone number is 571-272-7571. The examiner can normally be reached on Mon-Fri, 8:30am to 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LC 1/19/07



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER